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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/631,805	08/01/2003	Pablo Ameigeiras	089229.00083	1991		
32294	7590	06/26/2008	EXAMINER			
SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				NGUYEN, TOAN D		
ART UNIT		PAPER NUMBER				
2616						
MAIL DATE		DELIVERY MODE				
06/26/2008		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/631,805 Examiner TOAN D. NGUYEN	AMEIGEIRAS ET AL. <b>Art Unit</b> 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/1/03</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-2, 4, 8-9, 12-13 and 16-17 are objected to because of the following informalities:

Claim 1, line 1, it is suggested to change "TCP" to --- Transmission Control Protocol (TCP) ---. Similar problem exists in claim 8, line 2; and claim 12, line 1.

Claim 1, line 4, it is suggested to change "PDCP layer" to --- Packet Data Convergence Protocol (PDCP) layer ---. Similar problem exists in claim 8, line 4.

Claim 1, line 6, it is suggested to change "storing TCP segments" to --- storing said TCP segments ---.

Claim 1, line 8, it is suggested to change "those TCP segments" to --- said TCP segments ---. Similar problem exists in claim 8, line 10.

Claim 2, line 8, it is suggested to change "a buffer" to --- said buffer ---.

Claim 4, line 9, it is suggested to change “said limit A” to --- a limit A ---.

Claim 9, line 2, it is suggested to change “a memory” to --- said memory ---.

Similar problem exists in claim 13, line 2.

Claim 8, line 5, it is suggested to change “RLC” to --- Radio Link Control (RLC) --  
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Claim 12, line 4, it is suggested to change “PDCP layer (PDPC-RNC)” to ---  
Packet Data Convergence Protocol layer (PDPC- Radio Network Controller (RNC)) ---.

Claim 12, line 5, it is suggested to change “RLC layer (RLC-RNC) to --- Radio  
Link Control layer (RLC- Radio Network Controller (RNC)) ---.

Claim 12, line 5, it is suggested to change “receiving PDCP segments” to ---  
receiving said PDCP segments ---.

Claim 12, line 7, it is suggested to change “RLC layer (RLC-UE) to --- Radio Link  
Control layer (RLC- User Equipment (UE)) ---.

Claim 12, line 8, it is suggested to change “PDCP layer (PDPC-UE)” to --- Packet  
Data Convergence Protocol layer (PDPC- User Equipment (UE)) ---.

Claim 12, line 9, it is suggested to change “(TCP-UE)” to --- (Transmission  
Control Protocol (TCP) - User Equipment (UE)) ---.

Claim 16, lines 2-3, it is suggested to change “receiving PDCP layer and TCP  
receiver” to --- said receiving PDCP layer and said TCP receiver ---.

Claim 17, line 3, it is suggested to change “originating RLC layer” to --- said  
originating RLC layer ---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 6-7, it is unclear as to what is meant by "said TCP segments not being said retransmitted TCP segments". Therefore, the scope of the claim is unascertainable.

Claim 1 recites the limitation "the RLC layer" in line 14. There is insufficient antecedent basis for this limitation in the claim. Similar problem exists in claim 8, line 5.

Claim 2 recites the limitation "the TCP sequence number" in line 3. There is insufficient antecedent basis for this limitation in the claim. Similar problems exist in claim 3, line 2; claim 4, line 5; and claim 12, line 17.

Claim 2 recites the limitation "the TCP segment header" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the PDCP segment number" in line 5. There is insufficient antecedent basis for this limitation in the claim. Similar problem exists in claim 5, line 5.

Claim 5 recites the limitation "said PDCP sequence number" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the PDCP layer" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the PDCP segments" in line 11. There is insufficient antecedent basis for this limitation in the claim.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./

Examiner, Art Unit 2616

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2616